

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL PON,

Defendant.

Case No. 15-cr-00323-VC-3

**ORDER SETTING STATUS
CONFERENCE**

The Court originally suggested an evidentiary hearing to explore the circumstances surrounding Lino's sentence because the Court anticipated that: (i) Pon would wish to cross-examine Lino on those circumstances at trial (and potentially to call the former probation officer and the former Assistant United States Attorney involved with her sentencing); (ii) the government would object to this line of inquiry at trial; and (iii) an evidentiary hearing would be useful in assessing whether Pon had a basis for pursuing this line of inquiry at trial. *See* Fed. R. Evid. 104. On the current record, which is ambiguous regarding the circumstances surrounding Lino's receipt of a safety valve sentence, the Court is tentatively of the view that Pon should not be precluded from pursuing this line of inquiry at trial. The government is objecting to an evidentiary hearing that could potentially clear up the ambiguity.

A status conference is scheduled for January 3, 2018 at 10:30 a.m. to discuss whether the government wishes to: (i) proceed with an evidentiary hearing on January 12 as originally contemplated; (ii) take its chances that it will be able to convince the Court by way of motion in limine that, on the current record, Pon should not be permitted to explore at trial the circumstances surrounding Lino's receipt of a safety valve sentence; or (iii) reach some sort of

stipulation about the extent to which Pon may pursue this line of inquiry at trial that would obviate the need for an evidentiary hearing.

IT IS SO ORDERED.

Dated: December 29, 2017

A handwritten signature in black ink, appearing to read 'V. Chhabria', is positioned above a horizontal line.

VINCE CHHABRIA
United States District Judge